

OPINION OF THE EUROPEAN SYSTEMIC RISK BOARD

of 19 October 2021

regarding Swedish notification of an extension of the period of application of a stricter national measure based on Article 458 of Regulation (EU) No 575/2013 of the European Parliament and of the Council on prudential requirements for credit institutions

(ESRB/2021/8)

THE GENERAL BOARD OF THE EUROPEAN SYSTEMIC RISK BOARD,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1092/2010 of the European Parliament and of the Council of 24 November 2010 on European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board¹, and in particular Article 3(2)(j) thereof,

Having regard to Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and amending Regulation (EU) No 648/2012², and in particular Article 458(4) and (9) thereof,

Having regard to Decision ESRB/2015/4 of the European Systemic Risk Board of 16 December 2015 on a coordination framework for the notification of national macroprudential policy measures by relevant authorities, the issuing of opinions and recommendations by the ESRB, and repealing Decision ESRB/2014/2³,

Whereas:

- (1) Finansinspektionen (the Swedish Financial Supervisory Authority), acting as designated authority for the purpose of Article 458 of Regulation (EU) No 575/2013, notified the European Systemic Risk Board (ESRB) on 20 September 2021 of its intention to extend for an additional period of two years, in accordance with Article 458(9) of that Regulation, the period of application of its existing stricter national measure for all domestic credit institutions using the Internal Ratings Based (IRB) approach.
- (2) The existing stricter national measure, which has been in force since 31 December 2018 and has previously been extended once, concerns risk weights for targeting asset bubbles in the residential property sector (Article 458(2)(d)(iv) of Regulation (EU) No 575/2013). In particular it consists of the imposition, on all domestic credit institutions that have adopted the IRB approach, of a credit institution-specific minimum level (floor) of 25% for the exposure-weighted average risk weight on

¹ OJ L 331, 15.12.2010, p. 1.

² OJ L 176, 27.6.2013, p. 1.

³ OJ C 97, 12.3.2016, p. 28.

retail exposures in Sweden secured by immovable property.

- (3) In Opinion ESRB/2018/4 of the European Systemic Risk Board⁴, the ESRB assessed the draft stricter national measure as warranted under the circumstances that existed at the time of the assessment. It was the ESRB's assessment that the draft stricter national measure did not have a negative impact on the internal market that outweighed the financial stability benefits resulting in a reduction of the macroprudential or systemic risk identified.
- (4) Taking into account the opinions provided by the ESRB and the European Banking Authority (EBA) in line with the procedure set out in Article 458 of Regulation (EU) No 575/2013, the European Commission decided on 17 July 2018 not to propose to the Council an implementing act to reject the draft stricter national measure⁵. In the absence of such an implementing act, the draft stricter national measure became applicable from 31 December 2018.
- (5) Following a request by Finansinspektionen to the ESRB under Article 458(8) of Regulation (EU) No 575/2013, the General Board of the ESRB decided on 15 January 2019⁶ to include this stricter national measure in the list of macroprudential policy measures which are recommended to be reciprocated under Recommendation ESRB/2015/2 of the European Systemic Risk Board⁷.
- (6) Finansinspektionen acting as designated authority for the purpose of Article 458 of Regulation (EU) No 575/2013, notified the ESRB on 16 September 2020 of its decision to extend for one additional year, in accordance with Article 458(9) of that Regulation, the period of application of its existing stricter national measure.
- (7) In Opinion ESRB/2020/13 of the European Systemic Risk Board⁸, the ESRB assessed the first extension of the period of application of the stricter national measure from 1 January 2021 to 31 December 2021 as justified, suitable, proportionate, effective and efficient. In addition, it was the ESRB's assessment that the draft stricter national measure did not have a negative impact on the internal market that outweighed the financial stability benefits resulting in a reduction of the macroprudential or systemic risk identified.
- (8) On 12 November 2020, taking into account the opinions provided by the ESRB and the EBA, in line with the procedures set out in Article 458 of Regulation (EU) No 575/2013, the Commission decided not to propose to the Council an implementing act to reject the first extension of the stricter national

⁴ Opinion ESRB/2018/4 of the European Systemic Risk Board of 21 June 2018 regarding Swedish notification of a stricter national measure based on Article 458 of Regulation (EU) No 575/2013 of the European Parliament and of the Council on prudential requirements for credit institutions and investment firms, available on the ESRB's website at www.esrb.europa.eu.

⁵ Commission Decision of 17.7.2018 not to propose an implementing act to reject the proposed national measure notified on 24 May 2018 Sweden under Article 458(4) of Regulation (EU) No 575/2013 of the European Parliament and of the Council C (2018) 4176 final, available on the Council's website at <https://data.consilium.europa.eu/doc/document/ST-11456-2018-INIT/en/pdf>.

⁶ Recommendation ESRB/2019/1 of the European Systemic Risk Board of 15 January 2019 amending Recommendation ESRB/2015/2 on the assessment of cross-border effects of and voluntary reciprocity for macroprudential policy measures (OJ C 106, 20.3.2019, p.1).

⁷ Recommendation ESRB/2015/2 of the European Systemic Risk Board of 15 December 2015 on the assessment of cross-border effects of and voluntary reciprocity for macroprudential policy measures (OJ C 97, 12.3.2016, p. 9).

⁸ Opinion ESRB/2020/13 of the European Systemic Risk Board of 14 October 2020 regarding Swedish notification of an extension of the period of application of a stricter national measure based on Article 458 of Regulation (EU) No 575/2013 of the European Parliament and of the Council on prudential requirements for credit institutions and investment firms, available on the ESRB's website at www.esrb.europa.eu.

measure⁹, and, in the absence of such an implementing act, the extension became applicable from 1 January 2021 until 31 December 2021.

- (9) To assess the extension of the period of application of the existing stricter national measure notified by Finansinspektionen on 20 September 2021, the ESRB's assessment team referred to in Decision ESRB/2015/4 issued an assessment note, which is annexed hereto,

HAS ADOPTED THIS OPINION:

1. The extension of the period of application of the existing stricter national measure applicable in Sweden is, under the current circumstances, assessed as justified, suitable, proportionate, effective and efficient. In particular:
 - (a) the changes in the intensity of macroprudential or systemic risk continue to be of such nature as to pose risk to financial stability at national level;
 - (b) the macroprudential tools set out in Regulation (EU) No 575/2013 and in Directive 2013/36/EU of the European Parliament and of the Council¹⁰ are less suitable or effective than the existing stricter national measure applicable in Sweden to deal with the macroprudential or systemic risk identified;
 - (c) the stricter national measure does not entail disproportionate adverse effects on the whole or parts of the financial system in other Member States or in the Union as a whole, thus forming or creating an obstacle to the functioning of the internal market;
 - (d) the issue concerns only one Member State.
2. The stricter national measure does not have a negative impact on the internal market that outweighs the financial stability benefits resulting in a reduction of the macroprudential or systemic risk identified.
3. The attached assessment note entitled 'Assessment of the Swedish notification in accordance with Article 458 of Regulation (EU) No 575/2013 concerning the extension of a stricter national measure for residential mortgage lending' is an integral part of this Opinion.

Done at Frankfurt am Main, 19 October 2021



Head of the ESRB Secretariat, on behalf of the General Board of the ESRB

Francesco MAZZAFERRO

⁹ Commission Decision of 12.11.2020 not to propose an implementing act to reject the intended extension of the period of application of the national measure notified on 16 September 2020 by Sweden under Article 458(9) in conjunction with Article 458(4) of Regulation (EU) No 575/2013 of the European Parliament and of the Council C(2020) 7723, available upon request on the Commission's website at [https://ec.europa.eu/transparency/documents-register/detail?ref=C\(2020\)7723&lang=en](https://ec.europa.eu/transparency/documents-register/detail?ref=C(2020)7723&lang=en).

¹⁰ Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).